## GOVERNNMENT IS SUSTAINED IN THE PORTO RICAN CASES

Imposition of Tariff Duties Under a Congressional Enactment Is Held to Be Legal.

## DUTIES BEFORE FORAKER ACT

And After the Treaty of Peace, Were Unconstitutional and Are So Declared by Supreme Court.

## JUSTICES HELD DIFFERENT VIEWS

Lengthy Opinions Written in Which All Phases of the Controversy Are Brought Out Regardless of the Political Complexion of the Court.

Washington, May II .- In the United followed from start to finish with keen Bintes Supreme court today opinious were interest. The two cases of the conclusion in which suit was brought by Downes and the second of the Decoler case. The underload Dooley case deals with a phrese of the Porto Blean question, and the financial country with the Dred Scott case was that the port of San Juan, in the island of Porto Rico durdiscrete are involved the right ing the mouth of November, 1900.

The court in the court in the court refused to make a distinction between property in general and a wholly exceptional class of property. to die free importation of merchandise. This case involved the question whether from the Philippines to the United States, merchandising brought into the port of The original intention of the court had New York from Porto Rico since the pas-

farther That case dealt with the legal- not be obliged to enter, clear or pay du-ity of the extense or duties on goods ties in another." The mass also involves Grave Dangers As cortod from Porto Raco Into New York, the broader question whether the revenue giver the passage of the Pornker act clauses of the constitution extend of their providing to a dury upon goods shipped own force to our newly acquired territhe was east and recenturional. be found in the nature of the government to point of the two collisies counts created by that instrument, in the opin-

erritory; that notil congress and in the decision of this court."

but that as more or compress view of the formation of the severa-revolution of communiting use ment and the constitutional provides re-Further along Justice Brown remarked to remark that continue that "daties, imposts and excises that antion iscaums bind quicing that "daties, imposts and excises whatever may be finally decided by the amount of continue to prescribe States," saying that it is explained by major the country a makespent provisions of the constitution, they prescribe and into the right to "that no tax or duty shall be fail on artispance and into the right to "that no tax or duty shall be fail on artispance and into the prescribe and their than the right to "that no tax or duty shall be fail on artispance and into the prescribe and their than the right to "that no tax or duty shall be fail on artispance and into the prescribe and their than the prescribe that the provision of the constitution.

and such inferior courts as congress may we fit to establish.
"Fifth-That the constitution does not

apply to fereign countries or to trials therein conducted, and that congress may lawfully provide for such trials before consular tribunals, without the Intervention of a grand or petit jory

nce been formally extended by congress territorial legislature can enact laws indistent therewith."

Dred Scott Case is Recalled admitted it needs no further legislation jon."

The fact that the proceeds of these true, in order to permit the duties are devoted by the act to the use true, in order to permit the fixelf defends the relative rights and fore announcing the court's opinion, Juspowers and duties of the state and the tice Brown said:

who is all but two of the cases at court involving the relations in the Brates to its insular possess of the constitution that they can announced were these known tourteen dismond rings, const discourt in case, and court in the case of Downes was collected as an allogous may be carried out and under protest to impose duties upon territorial products and depends upon such different provisions of the constitution that they can scarcely be considered as analogous may be the constitution attached to the territorial products and depends upon such different provisions of the constitution that they can scarcely be considered as analogous may be the states as a constitution attached to the territorial products and modes of thought, the administration of government. Marshall had erred in his opinion and that the rule of uniformity was a limitate occurring to impose duties upon territorial products and modes of thought, the administration of government the court in the case of Downes vs Collected as analogous may be considered as analogous may be c "The power to prohibit slavery in the P as the "fourteen diamond rings" case, upon certain eranges consigned to the court in the Canter case. The diffi-

Taking up the case in hand, the justice continued his opinion, saying: here to adjourn efter today's sitting for sage of the former act is exempt from congress upon the constitution has a age the term, but decision of the constitution has a new third section been continued and seen uniform to the on today book about five hours, so the court interpretation of that act, which requires the payment of "fitten per cent of the duties which are required to be levied, collected and be paid on the articles of merchandising cares shall so direct. Notwithstanding the third section I been continued and seen uniform to the court it is presented the remaining cases will be paid on the articles of merchandising cares shall so direct. Notwithstanding imported from foreign countries." The great there is attention from the court circuit court of the United States of the which attracted the court directly control of the United States of the union a republican form of government in its position in impossion of the territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third section I been constitution is applicable to territories acquired by purchase or conquest only when and so direct. Notwithstanding the third source of the territories acquired by purchase or to territories acquired by pur this known as the Downe the government in its position in impos-original organization of the territories of these two the column in the law a duty. Downe's case is considered the most farreaching as it affects our future relaof the circuit court, saying: "We are of
the superme court affirmed the opinion
Territory and its subdivision of Onio, Intions, whereas the De Lima case dealt epinion that the island of Porto Rico
with a future in a territory apparenant and belonging

Alaska to establish a form of government relation. The De Linn case was the first to the United States, but not a part of bearing a much greater analogy to a to receive the attention of the court the United States within the revenue British grown colony than a republican

Grave Dangers Are Felt. "Grave apprehensions of danger are felt by many eminent men-a feet less the part of congress may lead to enjust this case the court how that such answer the question. Its solution must had oppressive logislation, in which the Statistics is that Porto Rice was ion of its contemporaries, in the practical in the practical state of the contemporaries in the practical and positional contemporaries in the congression of that island cal fractuation not trop to congress

offer the acquistion of that island cal instruction put upon it by congress in the past century, nor in the co-The question no duty could be Justice Brown then entered upon a reoutlying possessions since the American

cuport from the United Preference shall be given by any rega-cuport from them then the latten of commerce or revenue to the loss II notice in brief that for posts of one state over those of another, those fing are not a part of nor shall tossels bound to or from one Santon for the extent that state be obliged by enter, clear or pay and between their poets and the duries in another. Littled States are entitled to the same in short, he concluded on that point, treatment as though they were shiped in short, he constitution deals with states, their people and their representatives."

The negatistion of territories was discussed and allowable in both, and there were vigorous tion of territories was discussed and allowable in the label of the court with these citations the justice laid down the problems, and we are bound to assume of the court united in an emight a character. That need to the marely arbitrary counted of congress fiven if regarded as allowed are emitted in the principles of the constitution to be protected in life, libely and their representatives."

Large powers must necessarily be entrusted to congress fiven if regarded as allowed are emitted under the principles of the constitution to be protected in life, libely and their representatives."

Large powers must necessarily be entrusted to congress fiven if regarded as allowed the constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution to be protected in life, libely arbitrary control of constitution of the smile principles of the constitution of the principles

of the court inited is an empty of continued to an empty of the inited by a continued to a conti which, and the chief faction and Junior cided in each, the following propositions that it may not be preverted to bad per-light proposited likely views in granted tray be considered as established:

To Junior Gray, Shirks, While and Six Propositions Advanced.

Against the possession of certain powers

to some also, while surester who the "Piret-That the District of Columbia from possible abuses of them. It is not a columbia from possible abuses of them. It is not a columbia to say that if congress should venture consol that they had reacted the the indical chause of the constitution upon legislation manifestry distanted by different lines of an giving furnishmion in cases between citi-buke at the hands of the people. Indeed,

"Second-Tast territories are not states it is scarcely possible that congress comliming their respective positions, within the meaning of the revised state do a greater injustice to these intand-Justice Shirm. White and Min- size, excise its permitting write of error than would be involved in hidding that it Konto size discented in the De Lima from this mount in cases where the valid- could not impose upon the states taxes

not provided an independent and dis- tion. take presented an independent and district and the time taken in questions in that case. The small "Whith-Tlax the District of Columbia bring them at once within our internal columbia. or present and the proceedings were disposition and inheritance of property, tories which have had no experience of Carnival Meeting Held

Question of Editorial Acquisition. Commenting upon the virtual absence provision in the constitution for the quisition of territory. Justice Brown by it can only be accounted for on the count that the framers of that instru
ound that the framers of that instru
was meredicia, Chief Justice Fuller said:

'Of the suggestion that this statement was meredicia, Chief Justice Fuller said: ossibilities in that respect.

within the clause of the constitution prowiding for the creation of supreme court
and such interior courts as congress may. power with respect to such territory is the same power which other nations well as the District to be part of the that we should regard the situation as it have been accustomed to exercise with United States for the purpose of national is today rather than as it was a century respect to territories acquired by them. It is not repeated in effect what he is today rather than as it was a century taxation, and repeated in effect what he is today rather than as it was a century taxation, and repeated in effect what he If, in limiting the power which congress was to exercise within the United States, it was also intended to limit it with regard to such territories as the people of the United States should thereafter according to the United States should the United States and the United States should the United States are to the United States should the United States are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended, armies are to the United States should be collected and expended. quire, such limitations should have been be murched and supported."

expressed. Instead of dat we find the combatted the combatted the content constitution speaking only to states, extent the three particular duties are local in their nature and subt the levy is the considered a triumphal progress of the constitution. solute in its terms and suggestive of no clearly a regulation of commerce and nation, as such, around the earth, but as Followed Discharge of Dyna-imitations upon the power of congress in made in the exercise of national power. Dred Scott Case Is Recalled

In his opinion Justice Brown referred

In his opinion of Chief Justice

In his opinio Takey in the Dred Scott case, giving delegate to congress awa power as they consideration to the sentiment expressed by him "that there is no power to acquire new territory they had none to delegate in that connection. The constitution to the federal none to delegate in that connection. The legislation; and it follows that the level of these duties was in the exercise of the constitution to the federal none to delegate in that connection. The legislation; and it follows that the level of these duties was in the exercise of the long present of the long to the requirement of geographical uniforms.

The may point of view the imposition or when the samples to make the commerce operates to regulate when the article was found to commerce and is not a matter of local and subject to operate the local and subject to a commerce and it follows that the level of these duties was in the exercise of the local and subject to a commerce and is not a matter of local and the local and the local and the local and the commerce and is not at its own pleasure; and if a new state is hampered by the constitutional provis- ity,

own theories may be carried out and the blessings of a free government under the constitution extended to them. . e decided to them. . e decided to acid that there is snything in as well as states."

In my opinion conserss has no existence and can exercise no antherity outtoned of the constitution, had sustained the view that the United States meant territories from that congress can deal with new territories as well as states." the constitution to forb , such setion."

The chief dissenting opinion in the

Downes case was announced by calef Justice Faller, Justices Harlan, Brewer "The practical interpretation put by and Peckham folding in the dissent. He ongress upon the constitution has a ng and the majority, though differing widely the continued and seen uniform to the In their reasoning, seemed to concur in and Reep within its restricted boundaries to the view that Porto Rico belongs to the United States, but nevertheless is a part of the United States subject to the percent for play and action of purely personal of the constitutions may do not seemed to the property of the constitution in respect to the percent of the constitution in respect to the percent of the constitution in respect to the percent of the constitutions may do not see the constitution in respect to the percent of the constitutions of the constitutions are despendent. visions of the constitution in respect to the previsions of the constitution in respect to 
traces. The Foraker act, under which the 
duties were levied, created a complete 
form of government for Porto Rico, with

the name iven to our great regulate, severament, as to our internal affairs, addition of Forte Rice to the servicer of so the mouth of the mige, where they the name iven to our great republic government as to our interest averagin power the United States has been recognized by were put us a locometive and taken to which is composed of states and territor. which is composed of states and territorpossession of minimum and inless. The district of Columbia, or the terconsistent wile its legislated in recognition of the gathered at the month of the mine and ritory west of Missouri, is not less with- consistent with its letter and spirit." n the United States than Maryland or he one from in the other. Since, then, and become an integral part of the Unitthe power to lay and collect taxes, which ed States. The word recorporation had

BULLETIN OF The Wichita Daily Gagle. when that even after organized "congress

Wichita, Tuesday, May 28, 1901 Weather for Wishits Today: Fair; southerly winds

IMPORTANT NEWS OF TODAY | riomal provisions."

I Government Is Sustained

Awful Hine Explosion

2 To Investigate Lynching Guthrie Girl Attempts Suicide

3. Wichita Livestock Market Roview of the Grain Markets New York Stocks and Bonds Additional Local News

4. Eagle's Editorial Page

5. High School Banquet Two Thieves Captured

5. Water in the Grave

5. Hemorial Sunday Services.

this kind and where it would prove an tansive with the power to lay and collect duties, imposts and excises and since the latter extends throughout the United

ent did not foreme the country's future "If is whelly insomissable to reject the subdities in that respect." "If." he says, "It be once conceded that justice reached and tested the soundness

All a Part of Country.

tizens of the state and the federal gov-nment. But no power is given to ac-fer widely as to the desirableness of this gress to lay and collect duties, geo-have been made more rigorous. or that ne construction of the case so far as to say

that it was unfortunate in view of the xolted condition of the country at the should be scopted which would prevent change the source of the power to lay gurded the Fornker act as unconstitu ime the Scott opinion was rendered, just congress from considering each case upon and collect, and that suggestion certainbefore the beginning of the civil war, its merits, unless the language of the inly is not strengthened when based on the Hered that Posto Rico, after the ratificatiat the chief justice had felt impelled to 
strument imperatively demands it. A diversion of cuties collected from all 
tion of the treaty with Spain, became a 
false step at this time might be fatal to parts of the United States. "It is,' he said, 'sufficient to say that the development of what Chief Justice the country did not acquised in the opinion and that civil war, which shortly chereafter followed, produced such this or small bolids toward large ones changes in judicial as well as public sention. The first limits fingly be first of the United States to a territorial part of the United States. The parts of the United States. Clause 7 of section 5 the power of our government with respect to new territory is the same power be drawn from the treasury but in conditions in others, the result of a successful war in others, may bring about conditions and the proposition that this may be in others, may bring about conditions and the proposition that this may be in others, may bring about conditions and the proposition that this may be in others, may bring about conditions and the proposition that this may be in others, may bring about conditions and the proposition that this may be in others, may bring about conditions and the proposition that this may be in others, the case of the United States Clause 7 of section 5 the power of our government with responsible to new territory is the same power be drawn from the treasury but in consequence of appropriations made by law; in others, may bring about conditions and the proposition that this may be only the conditions and the proposition that the power of our government with reconditional conditions are considered to a serious part of the United States. Clause 7 of section 5 the power of our government with reconstitution of small bodies to a territorial that the proposition that the power of our government with reconditions of small bodies to a territorial that the proposition that the united States. Clause 7 of section 5 the United States Clause 7 of section 5 the United States. Clause 7 of section 5 the United States Clause 7 of section 5 the United States. which would render the annexation of rendered inaplicable if the money is not ples now announced should ever receive distant possessions desire—. If those permitted to be paid in so as to be sustine sanotion of a majority of this court, possessions are inhabited by alien races captible of being drawn out, is some the result will be a radical and mischles-differing from us in religion, customs, what startling."

Chief Justice Puller then advanced the nation is under the control of a written proposition sounciated in Marbury vs. constitution which is the supreme taw of

operation on the people, by whom and for earth, by the conquest or treaty, but to whom it was established, the national hold them as mere colonies or provinces in the United States on Porto Rico exroris should be held as a special fund
for Porto Rico's smefit. It was admitted
that on as face the part of the act with
reference to duties did not comply with
the rule of uniformity prescribed by the
constitution.

whom it was established, the national load them as mere colouded or provinces
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constitutional
exists and which are 'not prohibited, but
constitution.

shall in that case, in considering the pro-vicion requiring that 'all duties, impesss and excises shall be uniform throughout the United States; said:

"Toos this term (the United States) designate the whole or any part of the designate the whole or any part of the American empire? Cornainly this ques-the case of the constitution as a part of the constitution of the United States; and the designate the whole or any part of the American empire? Cornainly this ques-sitution of the United States, and the the power from in-designate the whole or any part of the American empire? Cornainly this ques-ditution of the United States, and the the power from in-designate the whole or any part of the American empire? Cornainly this ques-sitution of the United States, and the the power in this country is the con-stitution of the United States, and the the power in this country is the con-stitution of the United States, and the transform of the United States, and the transform of the United States is a sep-ment, does not justify any such institution as well anthorize the constitution as well anthorize the country to the words of the constitution as well anthorize the constitution as well anth

Rule of Uniformity Applicable.

matter before, the Foreker act made Norto Run an organized territory of the tinited Brates." inited States, 'He could not except the edied shade, in an intermediate degree of ambiguous existence for an indefinite period, and more than that, that after following at the compension of the decisions of the decisions of the court to merce with it is absolutely subject to the prevalence of the decisions of the court towill of congress brospective of constitu-

out named that congress is not bound, in these territories or possessions, to filthe fery of duties truthes all of our people is all places unlet the purefiction of congress, which control could be anormal the purefiction of the government. The logical result is that congress may publish commerce allogisher between the gates and territories and may researche one rule of taxation.

Inted States subject to the full control of congress, which control only because in the loss that is was hardly intended to apply to the states of the processary that he hoped and experied in finite and does not specify to account to the full control of the first control o gither between the states and territories and may prescribe one rule of taxation in one territory and a different rule in another. That theory assumes that the constitution created is government on another. That theory assumes that the constitution created is government on the initial bining. The desirious are substant and extracted the constitution of the present of the initial bining. The desirious are substant of the present of the present of the present of the constitution of the present of t tistent previous to the executes of up- sees may require. The source build that expecting on immoran securities as

"In our judgment so much of the Porto | Commend on Second page

of these duties is invalid, and plaintelfs rere entitled to recover

"Some argument is made as to general this result, but the language of the constitution is too plain and unambiguous permit its meaning to be thus in-

"Again it is objected to on behalf of absolute power is essential to the acquisition to west and distant territories, and

were well aware that a mighty future

" It is not enough to my that this "This cannot be said, and, on the con

on the exertion of arbitrary power would Br. Justice Hart in Dissects.

protected by a written constitution, into with families

or may do with their now territories. This Madison, I Cranch, that the constitution was written in order to define and limit ors which our government, or any branch or officer of it, may exercise at any time The powers delegated arbitrary, unlimited power and the limits

treaty with Spain. If Porto Rico did not the shrinks of angulah as the bodies were by such action become a part of the removed were beautymotering. Pennsylvania; and it is not less necessary Chief Justice Poller absolutely rejected on the principles of our constitution that the contention that the contention that the contention that the contention that the rule of uniformity in the imposition of imposts. By was not applicable to Perto Rico because the imposition of imposts. By was not applicable to Perto Rico because the imposition of imposts. By was not applicable to Perto Rico because the imposition of imposts. uniformity in the imposition of imposite ity was not applicable to Perto Rica because not believe congrues many imposes a the sampled bodies were dressed and products and exclass should be observed in cause it had not been independent from daily. Impost of excises with respect to pased for delivery to their families. All includes airect taxes, is abeliausly co-ex- no recult meaning and, whetever its sit- quistrent that duries, imposts not ex-

Washington, May 27-Solicitor General who had charge of the inmits came ha free the supreme rough, tomplet made to

The most important question involved The concurring opinion of the majority recognized that "congress in dealing with the people of new territories or possessible bound to respect the fundamental currantees of life, liberty and property, liet necessary that congress is not bound. excises to be uniform -amorphout United States. The court held that the low the rules of taxation prescribed by country simply made Forte Rico and the the constitution. And yet the power of Philippions Comestic perfixer of the risks the loss of a singer term, but Sentax involves the power to destroy, and United States subject to the full control after McLaurin roully sacrifical more

## EXPLOSION

Awful Mine Horror Near Dayton, Tennessee

FLAMES

mite Cartridge.

TREES ABOVE SCORCHED

Agonizing Cries of Widows Were Pitiful.

VICTIMS ARE ALL WHITE

Herrd that Porto Rico, after the ratifica- And in Nearly Every Case Had Families.

> Chattaneoga, Tenn., May Z.-A special from Dayton, Tenn., to the Times says at the Richmond mine of the Dayton Coal & Iron company, two miles from terribe explosion of coal dust which resuited in the death of twenty-one men all white, and must of them married and

Tom Wright. Will Matthews Bulley Emith Tom Walker. George Holmes, J. P. Gothard, Terry Smith. Sam Burwick Jim Pickie. Court Rothers

Lewis G. Rodgers Lowery Hawkins, J. F. Walker. Perry Pope Lign Pool. Will Street. The injured: William Eurchene, Jr.

Ray, 37, 36, Cook

J. T. Burwick The explication was caused by what is one of the constitutions and not make the proposal to the funder states of the constitutions that the Fermittee and a pirt of the constitutions that the Fermittee and a pirt of the constitution of the const

that traiting and its people which is not of the mon supplied to this mine were windstent with the constitutional or resitents of Dayton. The Sichaland mine store shall be uniform throughout the Iron company compand of Clarge w cap-Italiana. The company operates an brox

> BRYAN FAVORS TILLMAN Recause He Represents the Man In-

Lincoln, Nob. May N.-W. J. Bryan gave cut today a statement on the resignafione of Southern McLaurin and Tillings. which he sere he reparts the political the Public questions, as the vers of one senanog kills the rote of the other. Senator Tilean has just been reslected, and thus

I part of the government